

Robert Marks

From: Robert Marks
Sent: Friday, April 27, 2007 10:21 AM
To: 'BRUCE WAKUZAWA'
Cc: 'George Ioannides'; 'Glenn Melchinger'; 'Jason Kim'; 'PAUL Alston'; 'John Reyes-Burke (jburke@bmbe-law.com)'; 'sklevansky@kplawhawaii.com'
Subject: RE: KG's doc prod

Bruce - the short answer is KG has not finished its production, and e-mails you have received from me make this clear.

There is a blur between what is being produced pursuant to formal requests vs. informal requests. To date, both sides have been responding to both as Judge Kurren has urged. If you are planning to defend KG's motion to compel on the basis that there are not sufficiently clear formal document requests outstanding, please let me know so I can issue explicit formal requests forthwith.

The following comes to mind in terms of formal and informal production from KG that is not complete:

- production from selected portions of the QK/OR May 2002 back up tape
- your request for the spread sheets re development plans at Pukalani. Do you still want those even with the dismissal of the Pukalani case?)
- SS-era documents stored at KG's properties. I believe there are documents at OR, QK and Mililani. They have been available but you haven't asked to see them yet.
- seasonable supplementation

You should check with Glenn to see if he is aware of anything else. That's everything I can think of.

The major open item on my plate is review of the portions of the backup tape selected by Glenn on 2.20.07. Now that we have settled the DuPont/Benlate litigation, I will be able to muster some support to get that done.

As far as I know, we have produced a privilege log for everything KG has produced to date. If Glenn believes otherwise (and he has not so indicated as far as I recall), let me know.

Bob

From: BRUCE WAKUZAWA [mailto:BWAKUZAWA@ahfi.com]
Sent: Thursday, April 26, 2007 5:00 PM
To: Robert Marks
Cc: Alyson Matsuo; BRUCE WAKUZAWA; Cindy Ching; DONNA AHUNA; George Ioannides; Glenn Melchinger; GEORGIE PADAYHAG; Jason Kim; KELLY ANCHETA; Kelly Muller; PAUL Alston
Subject: KG's doc prod

Hi Bob: In reviewing KG's responses to Plaintiffs' requests for production of documents, KG says that documents would be produced on a "rolling basis." Have all responsive documents been produced and have all privileged documents been logged? Thanks, Bruce

EXHIBIT 13

5/3/2007